

1 **TITLE IV—FAMILY ASSISTANCE**

2 **SEC. 401. RESPONSIBILITIES OF NATIONAL TRANSPOR-**
3 **TATION SAFETY BOARD.**

4 (a) PROHIBITION ON UNSOLICITED COMMUNICA-
5 TIONS.—

6 (1) IN GENERAL.—Section 1136(g)(2) is
7 amended—

8 (A) by striking “transportation,” and in-
9 serting “transportation and in the event of an
10 accident involving a foreign air carrier that oc-
11 curs within the United States,”;

12 (B) by inserting after “attorney” the fol-
13 lowing: “(including any associate, agent, em-
14 ployee, or other representative of an attorney)”;
15 and

16 (C) by striking “30th day” and inserting
17 “45th day”.

18 (2) ENFORCEMENT.—Section 1151 is amended
19 by inserting “1136(g)(2),” before “or 1155(a)” each
20 place it appears.

21 (b) PROHIBITION ON ACTIONS TO PREVENT MENTAL
22 HEALTH AND COUNSELING SERVICES.—Section 1136(g)
23 is amended by adding at the end the following:

24 “(3) PROHIBITION ON ACTIONS TO PREVENT
25 MENTAL HEALTH AND COUNSELING SERVICES.—No

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1 State or political subdivision thereof may prevent the
2 employees, agents, or volunteers of an organization
3 designated for an accident under subsection (a)(2)
4 from providing mental health and counseling services
5 under subsection (c)(1) in the 30-day period begin-
6 ning on the date of the accident. The director of
7 family support services designated for the accident
8 under subsection (a)(1) may extend such period for
9 not to exceed an additional 30 days if the director
10 determines that the extension is necessary to meet
11 the needs of the families and if State and local au-
12 thorities are notified of the determination.”.

13 (c) INCLUSION OF NONREVENUE PASSENGERS IN
14 FAMILY ASSISTANCE COVERAGE.—Section 1136(h)(2) is
15 amended to read as follows:

16 “(2) PASSENGER.—The term ‘passenger’
17 includes—

18 “(A) an employee of an air carrier or for-
19 eign air carrier aboard an aircraft; and

20 “(B) any other person aboard the aircraft
21 without regard to whether the person paid for
22 the transportation, occupied a seat, or held a
23 reservation for the flight.”.

24 (d) STATUTORY CONSTRUCTION.—Section 1136 is
25 amended by adding at the end the following:

1 “(i) STATUTORY CONSTRUCTION.—Nothing in this
2 section may be construed as limiting the actions that an
3 air carrier may take, or the obligations that an air carrier
4 may have, in providing assistance to the families of pas-
5 sengers involved in an aircraft accident.”.

6 **SEC. 402. AIR CARRIER PLANS.**

7 (a) CONTENTS OF PLANS.—

8 (1) FLIGHT RESERVATION INFORMATION.—Sec-
9 tion 41113(b) is amended by adding at the end the
10 following:

11 “(14) An assurance that, upon request of the
12 family of a passenger, the air carrier will inform the
13 family of whether the passenger’s name appeared on
14 a preliminary passenger manifest for the flight in-
15 volved in the accident.”.

16 (2) TRAINING OF EMPLOYEES AND AGENTS.—
17 Section 41113(b) is further amended by adding at
18 the end the following:

19 “(15) An assurance that the air carrier will
20 provide adequate training to the employees and
21 agents of the carrier to meet the needs of survivors
22 and family members following an accident.”.

23 (3) CONSULTATION ON CARRIER RESPONSE NOT
24 COVERED BY PLAN.—Section 41113(b) is further
25 amended by adding at the end the following:

1 “(16) An assurance that the air carrier, in the
2 event that the air carrier volunteers assistance to
3 United States citizens within the United States with
4 respect to an aircraft accident outside the United
5 States involving major loss of life, the air carrier will
6 consult with the Board and the Department of State
7 on the provision of the assistance.”.

8 (4) SUBMISSION OF UPDATED PLANS.—The
9 amendments made by paragraphs (1), (2), and (3)
10 shall take effect on the 180th day following the date
11 of enactment of this Act. On or before such 180th
12 day, each air carrier holding a certificate of public
13 convenience and necessity under section 41102 of
14 title 49, United States Code, shall submit to the
15 Secretary and the Chairman of the National Trans-
16 portation Safety Board an updated plan under sec-
17 tion 41113 of such title that meets the requirements
18 of the amendments made by paragraphs (1), (2),
19 and (3).

20 (5) CONFORMING AMENDMENTS.—Section
21 41113 is amended—

22 (A) in subsection (a) by striking “Not later
23 than 6 months after the date of enactment of
24 this section, each air carrier” and inserting
25 “Each air carrier”; and

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1 (B) in subsection (c) by striking “After the
2 date that is 6 months after the date of the en-
3 actment of this section, the Secretary” and in-
4 serting “The Secretary”.

5 (b) LIMITATION ON LIABILITY.—Section 41113(d) is
6 amended by inserting “, or in providing information con-
7 cerning a preliminary passenger manifest,” before “pursu-
8 ant to a plan”.

9 (c) STATUTORY CONSTRUCTION.—Section 41113 is
10 amended by adding at the end the following:

11 “(f) STATUTORY CONSTRUCTION.—Nothing in this
12 section may be construed as limiting the actions that an
13 air carrier may take, or the obligations that an air carrier
14 may have, in providing assistance to the families of pas-
15 sengers involved in an aircraft accident.”.

16 **SEC. 403. FOREIGN AIR CARRIER PLANS.**

17 (a) INCLUSION OF NONREVENUE PASSENGERS IN
18 FAMILY ASSISTANCE COVERAGE.—Section 41313(a)(2) is
19 amended to read as follows:

20 “(2) PASSENGER.—The term ‘passenger’ has
21 the meaning given such term by section 1136.”.

22 (b) ACCIDENTS FOR WHICH PLAN IS REQUIRED.—
23 Section 41313(b) is amended by striking “significant” and
24 inserting “major”.

25 (c) CONTENTS OF PLANS.—

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1 (1) IN GENERAL.—Section 41313(c) is amend-
2 ed by adding at the end the following:

3 “(15) TRAINING OF EMPLOYEES AND
4 AGENTS.—An assurance that the foreign air carrier
5 will provide adequate training to the employees and
6 agents of the carrier to meet the needs of survivors
7 and family members following an accident.

8 “(16) CONSULTATION ON CARRIER RESPONSE
9 NOT COVERED BY PLAN.—An assurance that the
10 foreign air carrier, in the event that the foreign air
11 carrier volunteers assistance to United States citi-
12 zens within the United States with respect to an air-
13 craft accident outside the United States involving
14 major loss of life, the foreign air carrier will consult
15 with the Board and the Department of State on the
16 provision of the assistance.”.

17 (2) SUBMISSION OF UPDATED PLANS.—The
18 amendment made by paragraph (1) shall take effect
19 on the 180th day following the date of enactment of
20 this Act. On or before such 180th day, each foreign
21 air carrier providing foreign air transportation under
22 chapter 413 of title 49, United States Code, shall
23 submit to the Secretary and the Chairman of the
24 National Transportation Safety Board an updated
25 plan under section 41313 of such title that meets

1 the requirements of the amendment made by para-
2 graph (1).

3 **SEC. 404. DEATH ON THE HIGH SEAS.**

4 (a) RIGHT OF ACTION IN COMMERCIAL AVIATION AC-
5 CIDENTS.—The first section of the Act of March 30, 1920
6 (46 U.S.C. App. 761; popularly known as the “Death on
7 the High Seas Act”) is amended—

8 (1) by inserting “(a) subject to subsection (b),”
9 before “whenever”; and

10 (2) by adding at the end the following:

11 “(b) In the case of a commercial aviation accident,
12 whenever the death of a person shall be caused by wrong-
13 ful act, neglect, or default occurring on the high seas 12
14 nautical miles or closer to the shore of any State, or the
15 District of Columbia, or the Territories or dependencies
16 of the United States, this Act shall not apply and the rules
17 applicable under Federal, State, and other appropriate law
18 shall apply.”.

19 (b) COMPENSATION IN COMMERCIAL AVIATION ACCI-
20 DENTS.—Section 2 of such Act (46 U.S.C. App. 762) is
21 amended—

22 (1) by inserting “(a)” before “the recovery”;
23 and

24 (2) by adding at the end the following:

1 “(b)(1) If the death resulted from a commercial avia-
2 tion accident occurring on the high seas beyond 12 nau-
3 tical miles from the shore of any State, or the District
4 of Columbia, or the Territories or dependencies of the
5 United States, additional compensation for nonpecuniary
6 damages for wrongful death of a decedent is recoverable.
7 Punitive damages are not recoverable.

8 “(2) In this subsection, the term ‘nonpecuniary dam-
9 ages’ means damages for loss of care, comfort, and com-
10 panionship.”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 subsections (a) and (b) shall apply to any death occurring
13 after July 16, 1996.